

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED
2017 MAY 16 PM 2:38
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ADRIAN RENE HARPER,

Petitioner,

v.

LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:17-CV-71

ORDER ADOPTING REPORT AND RECOMMENDATION
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner has filed an application for a writ of habeas corpus challenging a state prison disciplinary decision. On April 25, 2017, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be denied because petitioner is not eligible for mandatory supervised release and did not lose previously accrued good time as a result of the disciplinary decision. No objections to the Report and Recommendation have been filed as of this date.


“As a general rule, only sanctions which result in loss of good conduct time credits for inmates who are eligible for release on mandatory supervision or which otherwise directly and adversely affect release on mandatory supervision will impose upon a liberty interest.” *Spicer v. Collins*, 9 F.Supp. 2d 673, 685 (E.D. Tex. 1998) (citing *Orellana v. Kyle*, 65 F.3d 29, 31-33 (5th Cir. 1995), *cert. denied*, 516 U.S. 1059 (1996)). Petitioner did not receive a sanction which resulted in the loss of good conduct time credits, nor is he eligible for release on mandatory

supervision.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the application for a writ of habeas corpus filed by petitioner is DENIED.

IT IS SO ORDERED.

ENTERED this 16th day of May 2017.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE